



SF 346 – Female Genital Mutilation Ban (LSB1171SV)

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Fiscal Note Version – As amended by House Amendment S-3155 and passed by the House

Description

[Senate File 346](#) creates the criminal offense of female genital mutilation and provides penalties. The Bill provides that a person who knowingly commits female genital mutilation on a minor as described in Iowa Code section 708.16 commits a Class D felony. In addition, a person who knowingly transports a minor outside of this State for the purpose of performing a surgical procedure that would be in violation of the Bill if the conduct occurred in this State, commits a Class D felony.

House Amendment [S-3155](#) requires educational campaigns and programming related to female genital mutilation. The amendment requires two different educational programs:

- 1) [Crime Victims Assistance Division \(CVAD\) Education Campaign](#)— Requires the CVAD of the Office of the Attorney General, in collaboration with community insiders and culturally specific victim services programs, to initiate an education campaign to increase awareness regarding the health risks of, the prohibitions against, and the criminal penalties associated with female genital mutilation.
- 2) [University of Iowa Hospitals Educational Programming](#) — Requires the University of Iowa Hospitals and Clinics (UIHC) to develop educational programming including protocols for physicians to provide safe health care and treatment to women who are victims of female genital mutilation.

Background

A Class D felony is punishable by confinement for no more than five years and a fine of at least \$750 but not more than \$7,500. Currently, a person who has control over a child or a minor and commits the act of female genital mutilation may be in violation of Iowa Code section [726.6](#) (Child Endangerment), with a penalty ranging from an aggravated misdemeanor to a Class B felony depending on the severity of the offense.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay; revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.
- The CVAD educational campaign would involve the following:
 - Educating for the current training and outreach staff members.
 - Targeted marketing and advertising (radio, TV, social media, newsprint, billboards, etc.) and educational materials (brochures, posters, etc.). The materials would likely need to be translated into multiple languages.
 - If the educational programming occurs in person, there would be travel/lodging expenses and potentially costs of a venue in which to hold the training program.

- Programming would be directed at immigrant and refugee communities, and there would be significant interpreter expenses.

Correctional Impact

The correctional impact of [SF 346](#) cannot be determined. The Bill establishes a new offense, and the number of convictions cannot be estimated.

Table 1 below shows estimates for sentencing to State prison, parole, probation, or Community-Based Corrections (CBC) residential facilities; length of stay (LOS) under those supervisions; and supervision marginal costs per day for all convictions of Class D felonies. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 8, 2019, for information related to the correctional system.

Table 1 — Sentencing Estimates and LOS

Conviction Offense Class	Percent to Prison	FY 18 Avg Length of Stay Prison (months)	FY 18 Marginal Cost/Day Prison	Percent to Probation	FY 18 Avg Length of Stay Probation (months)	FY 18 Avg Cost/Day Probation	Percent to CBC	FY 18 Marginal Cost/Day CBC	FY 18 Avg Length of Stay Parole (months)	FY 18 Marginal Cost/Day Parole	Percent to County Jail	Marginal Cost/Day
Class D Felony (Persons)	80.0%	17.2	\$18.43	53.0%	29.5	\$5.38	8.0%	\$11.85	10.6	\$5.38	31.0%	\$50.00

Minority Impact

The minority impact of [SF 346](#) is unknown. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 7, 2019, for information related to minorities in the criminal justice system.

Fiscal Impact

[Senate File 346](#) establishes a new criminal offense, and the resulting cost to the Justice System cannot be estimated. The average State cost for one Class D felony conviction ranges from \$9,200 to \$14,100. This estimate includes operating costs incurred by the Judicial Branch, the State Public Defender, and the Department of Corrections for one conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

House Amendment [S-3155](#) is estimated to have a fiscal impact to the CVAD. The CVAD estimates that the training and education efforts would likely cost \$20,000 to \$35,000. This estimate is based on the cost of the current human trafficking regional trainings and the targeted regional training and education efforts held regarding stalking and domestic violence strangulation. In addition, an awareness campaign involving marketing and social media could add an additional \$5,000 to \$30,000 depending upon the types and frequency of media selected. The source of funding for this program is unknown at this time, but there is a possibility that grant moneys could be available; otherwise, funds from the Victim Compensation Fund could be utilized.

House Amendment [S-3155](#) is not estimated to have a fiscal impact to the UIHC. The University of Iowa Physicians Group currently has access to an online teaching tool that is used internally by the UIHC staff. The online tool is named Culture Vision and is available on every desktop at UIHC and is also utilized and taught at the medical school. This tool likely satisfies the requirement that UIHC develop programming to educate the physicians.

Sources

Criminal and Juvenile Justice Planning Division, Department of Human Rights
Iowa Department of Justice
University of Iowa

/s/ Holly M. Lyons

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The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
